

### REMARKS

The independent claims have been amended to recite that the lever lack a hole through which a post extends. This feature is supported in the application by Figure 4 which shows the post disposed on the side of the clipper and Figure 5 which shows there is no hole in lever 118.

The rejections of claims 1, 5, 8 and 16 under 35 U.S.C. § 103 over Litton in view of Fink, and of claims 1, 6, 7, 16, 17, 19, 20 and 22 under 35 U.S.C. § 103 of Tsay in view of Litton and Fink are respectfully traversed.

Neither Litton '419 nor Tsay teach or suggest, *inter alia*, the feature of the of the present invention where the post extends in abutment to and adjacent the surface of a side surface of a top elongated member to a point above the top surface of the top elongated member. In the invention claimed, the post is adjacent to a side surface of the top elongated member, i.e., it is disposed outwardly of that surface and abuts it. In both Litton and Tsay, the post is positioned directly on the central longitudinal axis of the top elongated member, which means it is disposed inwardly of the side surface.

The current Office Action relies on Fink to show side surfaces for forming a housing to store cut nail portions. However, like the other references, Fink fails to teach or suggest a post which extends in abutment to and adjacent the surface of a side surface of a top elongated member to a point above the top surface of the top elongated member. Like those other references, Fink teaches a post 24 which is positioned directly on the central longitudinal axis of the top elongated member, which means it is disposed inwardly of the side surface, and which extends through both the top elongated member and the lever. The side surfaces 34 of Fink are a part of guard 32 which, as the Examiner has pointed out, functions as a storage bin for nail clippings and not a post. Moreover, the top of side surfaces 34 does not extend beyond the top surface of the upper elongated member, as can

be seen in Figure 2 of the reference. There is no reason for them to do so and indeed, had the side surfaces 34 extended beyond the top surface in the Fink configuration, they would have prevented cam lever 20 from being moved from the closed position shown in the drawings 180° to the operating position which allows the clipper to be used. In other words, even if for some unknown reason an extension of the top had been considered, it would have rejected as it would prevent the clipper from being used for its intended purpose.

The proposed modification of Litton or Tsay plus Litton by Fink would not result in the clipper of the instant claims. The claimed clipper is clearly unobvious.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

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